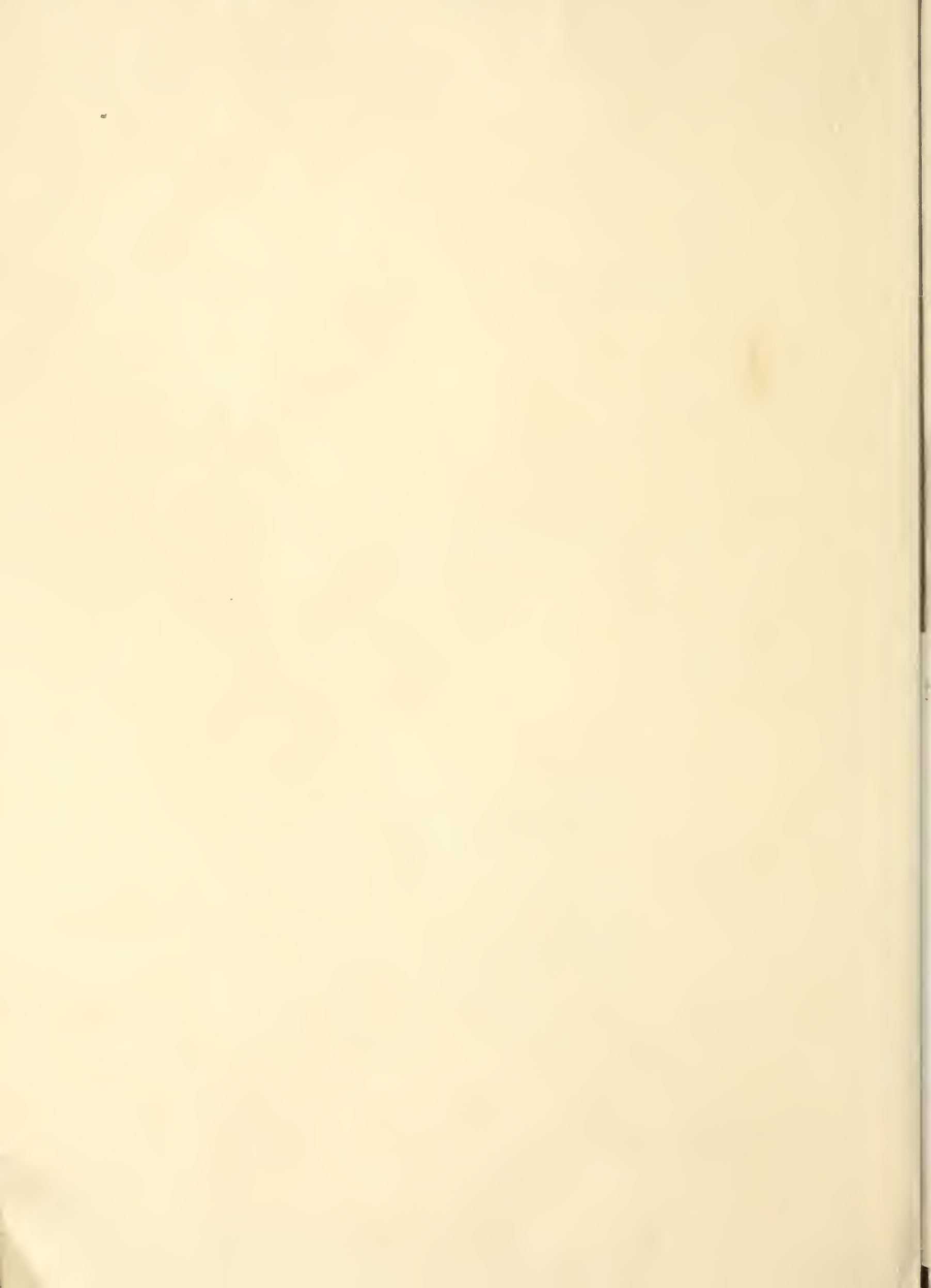


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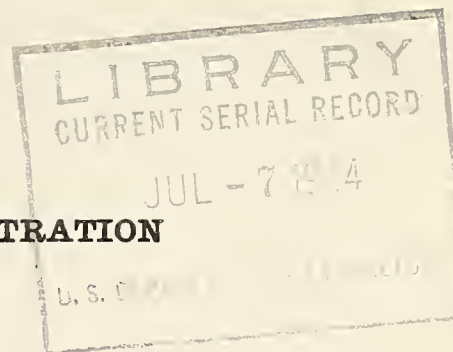


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FDO 58

REVOCATION

FEB. 26, 1944



WAR FOOD ADMINISTRATION

[FDO 58, Revocation]

PART 1403—ANIMAL FOODS

MANUFACTURE OF PET FOODS

Food Distribution Order No. 58 (8 F.R. 9102), issued by me on June 30, 1943, is revoked as of 12:01 a. m., e. w. t., March 1, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 58, prior to the effective date of this amendment, all provisions of said Food

Distribution Order No. 58 in effect prior to this revocation shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 26th day of February 1944.

MARVIN JONES,
War Food Administrator.



JUNE 30, 1943

WAR FOOD ADMINISTRATION

[FDO 59]

PART 1460—FATS AND OILS

CRUDE FISH OIL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of crude fish oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.18 *Crude fish oil required to be set aside*—(a) *Definitions*. (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Crude fish oil" means any oil, which has not been refined, produced by the reduction of the whole or any part, including offal, of any fish of the following species, commonly known as: California Sardine, Oregon and Washington Pilchard, Menhaden, and Alaska Herring.

(3) "Producer" means any person engaged in the production of crude fish oil.

(4) "Tank car of crude fish oil" means a quantity of crude fish oil weighing 60,000 pounds. The crude fish oil produced, by each producer, on or after July 1, 1943 and prior to July 1, 1944, in each plant operated by him, shall be considered as being segregated into consecutively numbered tank cars, that is to say, the first 60,000 pounds so produced shall be designated as the first tank car of crude fish oil, the second 60,000 pounds so produced shall be designated as the second tank car of crude fish oil, and so forth.

(5) "Governmental agency" means the Food Distribution Administration, War Food Administration, or any other governmental agency designated by the Director.

(6) "Offer to sell" means to offer crude fish oil for sale, prior to the time it is produced, to a governmental agency on the following terms and conditions:

(i) The offer shall be made by telegram or letter addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C.;

(ii) The purchase price shall not exceed the ceiling price established by the Office of Price Administration;

(iii) Delivery of the oil to a carrier shall be made within ten days after the oil is produced;

(iv) The offer shall remain open for acceptance for seven days after the receipt thereof by a governmental agency;

(v) The offer shall be made with re-

spect to the tank cars of crude fish oil hereinafter specified, however, if delivery is made to a tank car the offeror shall be permitted a tolerance of 2,000 pounds with respect to each tank car of crude fish oil so delivered, and may, when authorized by the Director, substitute a tank car of crude fish oil not covered by the offer for one which is covered by the offer.

(7) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on the sale, delivery, use, consumption, and processing of crude fish oil*. Unless specifically authorized by the Director, or except as provided in paragraph (c) of this order, no producer shall sell, contract to sell, deliver, use, consume, or process the following tank cars of crude fish oil produced by him on or after July 1, 1943 and prior to July 1, 1944, in each plant operated by him, to wit:

(1) The second,

(2) The sixth, and

(3) Each sixth car thereafter, that is to say, the twelfth, eighteenth, and so forth.

(c) *Exceptions*. Notwithstanding the provisions of paragraph (b) of this order:

(1) A producer may sell, contract to sell, or deliver any tank car of crude fish oil, subject to the restrictions of paragraph (b) hereof, produced by him to a governmental agency, without specific authorization from the Director; and

(2) A producer may, without specific authorization from the Director, sell, contract to sell, deliver, use, consume, or process any tank car of crude fish oil, subject to the restrictions of paragraph (b) hereof, produced by him which he has offered to sell to a governmental agency, if such offer is not accepted by a governmental agency within seven days after the receipt thereof.

(d) *Contracts*. The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(e) *Other food distribution orders*. The restrictions of this order shall be construed as being supplemental to the restrictions or any other food distribution order.

(f) *Audits and inspections*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of crude fish oil of any person, and to make such investigations, as may be necessary

or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Records and reports*. The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations*. The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using crude fish oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications*. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD 59.

(k) *Territorial extent*. This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(l) *Effective date*. This order shall become effective 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,
Acting War Food Administrator.

Press Release Immediate:
Thursday, July 1, 1943.

The War Food Administration has set up a purchase program under which it will obtain for war needs regular supplies of fish oils pressed from the 1943 catch of California sardine; Oregon and

Washington pilchard; menhaden; and Alaska herring.

Food Distribution Administration Order No. 59, effective July 1, 1943, requires producers of these oils to set aside for purchase by the Food Distribution Administration the 2nd, 6th, and every 6th, tank car (60,000 pounds) thereafter from

the new production. Provision is made for a producer's substitution of tank cars other than those specified in the order, with the Director's approval.

These oils will go into the government reserves and be distributed to meet military, Lend-Lease, and essential civilian requirements.

WAR FOOD ADMINISTRATION

[FDO 59, Revocation]
PART 1460—FATS AND OILS
CRUDE FISH OIL

Pursuant to the authority vested in the War Food Administrator, it is ordered as follows:

That Food Distribution Order No. 59 (8 F.R. 9104), issued by the Acting War Food Administrator on July 30, 1943, be,

and the same is hereby, revoked and terminated.

This order shall become effective on March 1, 1944 at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order No. 59, or rights accrued, or liabilities incurred, prior to said date, said Food Distribution Order No. 59 shall be deemed to be in full force and effect for the purpose of sustaining

any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 29th day of February 1944.

WILSON COWEN,
Assistant War Food Administrator.

War Food Administration
Summary to FDO 59

The War Food Administration has terminated Food Distribution Order No.

59 which required producers of crude fish oil to set aside a part of their production for Government purchase. The order has been in effect since July 1, 1943.

Under FDO No. 59, producers have

been setting aside for WFA purchase the 2nd, 6th and every 6th tank car (60,000 pounds) of fish oil thereafter from their 1943-44 output.

